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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.     |
|---|-------------|----------------------|-------------------------|----------------------|
| 09/751,119  | 12/28/2000  | Robert S. Young JR.  | 24012-49                | 6718                 |
| 1333  | 7590        | 11/20/2003           | EXAMINER<br>NGUYEN, TUT |                      |
| PATENT LEGAL STAFF<br>EASTMAN KODAK COMPANY<br>343 STATE STREET<br>ROCHESTER, NY 14650-2201 |             |                      | ART UNIT                | PAPER NUMBER<br>2877 |

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |  |              |
|------------------------------|--|--------------|
| <b>Office Action Summary</b> | Application No.                        | Applicant(s) |
|                              | 09/751,119<br>YOUNG ET AL.<br><i>U</i> |              |
| Examiner                     | Art Unit                               |              |
| Tu T. Nguyen                 | 2877                                   |              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 August 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-33 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                  4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

Detailed Office Action

*Claim Objections*

Claim 2 is objected to because of the following informalities:

Claim 2, line 2, “DFP” should be changed to “digital film processing”.

*Claim Rejections - 35 U.S.C. § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prigent (5,641,971) in view of Ruskin (3,825,755) and Bowen et al (4,687,943).

With respect to claims 1,33, Prigent discloses a system for detecting defects on a film. The system comprises: a sensor 2, a microprocessor 4 for determining the defects.

Prigent does not disclose a reference sensor. Ruskin discloses a system for detecting defects on a plastic film comprising a reference sensor 28 (fig 1) (column 2, lines 50-55). It would have been obvious to modify Prigent's system with Ruskin's reference sensor to provide a floating reference for measuring different kinds of film as taught by Bowen column 3, lines 39-45.

With respect to claims 2-3,15,30-31, the claimed DFP system or an output device to report the defects would have been known. It would have been obvious to modify Prigent's system with the known DFP to detect defects in a DFP system or it would have been obvious to modify Prigent's system with the known output device to report the detected defects to an operator.

With respect to claims 4,16, since Prigent discloses a processor 4 for detecting the defects, the claimed memory would have been inherent.

With respect to claims 5-6, Ruskin discloses detecting the transmitting light or reflecting light.

With respect to claims 7,11,13,17,19,21,23-27,32, a tape dispenser for repairing the film would have been known. It would have been obvious to modify Prigent's system with a known tape dispenser to repair or to correct the defected film. Further, it would have been obvious to modify Prigent's system with a repairing system to repair or to correct the defected film when the level of defect is above a predetermined level to improve the film processing.

With respect to claims 8-10,12,18,20,28, it would have been obvious to modify Prigent's system for detecting different types of defect or measuring different parameters of the film for different purposes. The modification involves only routine skill in the art.

With respect to claims 14,22, refer to claim 1 for the detecting system. Further, Prigent discloses a roller 16. Prigent does not disclose a router. However, the claimed router would have been known. It would have been obvious to modify Prigent's system with the known router to separate out the defected film.

With respect to claim 29, it would have been obvious to modify Prigent's system with a known canister to select the film with a good condition for digital film processing.

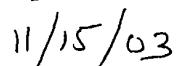
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T Nguyen whose telephone number is (703) 306-9185. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (703) 308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Tu T. Nguyen  
Primary Examiner  
Group Art Unit 2877



11/15/03